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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTIN MICHAEL BURAK,

Defendant.

NO. MJ24-040

MOTION FOR DETENTION

The United States moves for pretrial detention of the Defendant, pursuant to 18 U.S.C. § 3142(e) and (f)

1. **Eligibility of Case.** This case is eligible for a detention order because this case involves (check all that apply):

- ☒ Crime of violence (18 U.S.C. § 3156).
- ☐ Crime of Terrorism (18 U.S.C. § 2332b (g)(5)(B)) with a maximum sentence of ten years or more.
- ☒ Crime with a maximum sentence of life imprisonment or death.
- ☐ Drug offense with a maximum sentence of ten years or more.

- 1 ☐ Felony offense and defendant has two prior convictions in the four
2 categories above, or two State convictions that would otherwise fall within
3 these four categories if federal jurisdiction had existed
- 4 ☒ Felony offense involving a minor victim other than a crime of violence.
- 5 ☐ Felony offense, other than a crime of violence, involving possession or use
6 of a firearm, destructive device (as those terms are defined in 18 U.S.C. §
7 921), or any other dangerous weapon.
- 8 ☐ Felony offense other than a crime of violence that involves a failure to
9 register as a Sex Offender (18 U.S.C. § 2250).
- 10 ☒ Serious risk the defendant will flee.
- 11 ☐ Serious risk of obstruction of justice, including intimidation of a
12 Prospective witness or juror.

13 2. **Reason for Detention.** The Court should detain defendant because there
14 are no conditions of release which will reasonably assure (check both):

- 15 ☒ Defendant's appearance as required.
- 16 ☒ Safety of any other person and the community.

17

18 3. **Rebuttable Presumption.** The United States will invoke the rebuttable
19 presumption against defendant under § 3142(e). The presumption applies because:

- 20 ☐ Probable cause to believe defendant committed offense within five years of
21 release following conviction for a qualifying offense committed while on
22 pretrial release.
- 23 ☐ Probable cause to believe defendant committed drug offense with a
24 maximum sentence of ten years or more.
- 25 ☐ Probable cause to believe defendant committed a violation of one of the
26 following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or
27 kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism).

